

# Notice of Allowability

Application No.

10/693,521

Examiner

Thong Q. Nguyen

Applicant(s)

LUTHARDT ET AL.

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2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments of 10/20/05 & 1/20/06 and the request for Continued Examination of 11/25/05.

2. ☒ The allowed claim(s) is/are 1-3 and 5-14 which are renumbered as claims 1-13.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some\* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/15/04

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

THONG NGUYEN  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov. 25, 2005 has been entered.

### ***Response to Amendment***

2. The present Office action is made in response to the amendments filed on 10/20/05 and 1/20/06. It is noted that in the amendment of 10/20/05, applicant has amended claims 1 and 5 and canceled claim 4, and in the amendment of 1/20/06, applicant has amended claim 1. The remaining claims 1-3 and 5-14 are examined in this Office action.

### ***Drawings***

3. The drawings contained figures 1-2 filed on 10/27/03 and the corrected figure 3 filed on 3/25/05 are approved by the Examiner.

### ***Response to Arguments***

4. Regarding to the rejections of claims 1-5, 12 and 14 under 35 USC 103(a) over the combination of art provided by the Leica Company brochure and Kashiba et al (Japanese reference No. 2-3003), the amendments to the claim 1 and applicant's

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arguments provided in the amendments of 10/20/05 and 1/20/06 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

***Allowable Subject Matter***

5. Claims 1-3 and 5-14 are allowed.

6. The following is an examiner's statement of reasons for allowance:

A) The focusing optic assembly as recited in the independent claim 1 is patentable with respect to the cited art by the limitations related to the coarse drive unit and fine drive unit and the frame supporting the coarse and fine units. It is noted that while the use of a housing having a frame for supporting a focusing system having a coarse and fine focusing is known to one skilled in the art and the use of a belt for connecting an operating unit to an optical element is known to one skilled in the art as can be seen in each of Leica brochure and Kashiba et al; however, the art does not provide a motivation for combination of the mentioned art to obtain an assembly having the follow features: 1) a coarse drive unit having a belt drive for connecting a coarse driving unit to a focusing optic; 2) a fine drive unit having a belt drive for connecting a fine driving unit to the focusing optic; 3) each of coarse and fine drive unit has an actuating member; 4) a frame for supporting the coarse and fine actuating members wherein the members are disposed in the frame separated a distance from each other by a portion of the frame to preclude an inadvertent slipping from one of the actuating member to the other during a manual focusing operation of a user.

It is noted that each of the U.S. Patent No. 6,967,794 and the U.S. Pub 2003/0214708 discloses a telescope having a coarse and fine drive units whose

actuating members are disposed on a frame separated from each other; however, the U.S. Patent has two same inventors and does not disclose the structure of the drive units, and the U.S. Pub does not disclose the structure of the coarse and fine driving units.

B) The device as claimed in claim 6 is patentable with respect to the prior art by the limitations related to the fine drive unit for fine focusing wherein the fine focus unit comprises a fine output shaft, fine directional-changing roller and the connection between the fine actuating element and the fine output shaft. It is noted that a mechanism for coarse and fine focus adjustment having a coarse focus adjustment system having knob, coarse output shaft and gear train and a fine focus adjustment system having knob, fine output shaft and gear train is known to one skilled in the art as can be seen in the Patent Nos. 4,482,221; 3,683,704; 4,083,256 and 5,793,526; however, the prior art does not disclose that the coarse and fine focus systems each comprises a drive belt unit for driving the coarse and fine output shafts.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

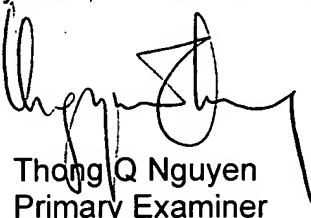
7. The prior art listed in the form PTO-1449 filed on 10/15/2004 made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen  
Primary Examiner  
Art Unit 2872

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